

United States Court of Appeals
For the Eighth Circuit

No. 14-1810

United States of America

Plaintiff - Appellee

v.

Jason Stallcup

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: October 7, 2014

Filed: October 24, 2014

[Unpublished]

Before COLLOTON, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Jason Stallcup directly appeals the within-Guidelines-range sentence the district court¹ imposed after he pled guilty to interference with commerce by robbery, in

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

violation of 18 U.S.C. § 1951(a), and to using, carrying, possessing, and brandishing a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A). His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Stallcup's sentence is substantively unreasonable.

Upon careful review, we conclude that the district court did not impose an unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 461-62, 464 (8th Cir. 2009) (en banc) (describing appellate review of sentencing decisions; where sentence falls within Guidelines range, appeals court may, but is not required to, apply presumption of reasonableness).

As for counsel's motion to withdraw, we conclude that allowing counsel to withdraw at this time would not be consistent with the Eighth Circuit's 1994 Amendment to Part V of the Plan to Implement the Criminal Justice Act of 1964. We therefore deny counsel's motion to withdraw as premature, without prejudice to counsel refiling the motion upon fulfilling the duties set forth in the Amendment.

Judge Colloton would grant counsel's motion to withdraw. See United States v. Eredia, No. 13-3538, 2014 WL 4920905, at *1 (8th Cir. Oct. 2, 2014) (unpublished) (Colloton, J., concurring in part and dissenting in part).
